

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**EMILY GREEN AND JASON GREEN,
ON BEHALF OF A MINOR CHILD
A.G.**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 4:21-CV-32-DMB-JMV

**WINONA MONTGOMERY CONSOLIDATED
SCHOOL DISTRICT**

DEFENDANTS

**ORDER GRANTING MOTION TO COMPEL
INDEPENDENT MEDICAL EXAMINATION**

Before the court is the pending Motion to Compel Independent Medical Examination [73], filed by Defendant on October 25, 2021, and a Supplemental Motion to Compel Independent Medical Examination [76], filed by the Defendant on November 1, 2021. Although Plaintiffs were granted additional time to file a response/reply, no opposition has since been filed and the time for doing so has lapsed.

Analysis

Rule 35 of the Federal Rules of Civil Procedure provides that when “a party whose mental or physical condition . . . is in controversy,” the Court in which the action is pending may order the party “to submit to a physical or mental examination.” FED. R. CIV. P. 35(a)(1). Rule 35 further specifies, however, that such an “order may be made only on motion for good cause and on notice to all parties and the person to be examined.” *Id.* Defendants have alleged that it is necessary for A.G. to submit to an independent medical examination to determine her orthopedic impairments and the accommodations needed, if any, since Plaintiffs have placed this condition in controversy in this matter. Further, counsel for Plaintiffs has received notice of the pending motion and were given ample opportunity to respond.

Accordingly, the motion will be granted in accordance with Rule 35 of the Federal Rules of Civil Procedure.

Conclusion

For the reasons explained above, the Supplemental Motion to Compel Independent Medical Examination [76] is hereby **GRANTED**. The initial Motion to Compel Independent Medical Examination [73] shall be terminated as moot.

SO ORDERED this, the 3rd day of December, 2021.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE